

REMARKS

Claims 1-8 were acted upon in the aforesaid Office Action. All claims stand rejected. Claims 5-8 are canceled herein and new claims 9-13 have been added, leaving claims 1-4 and 9-13 for further consideration.

Claims 1-4 stand rejected under 35 U.S.C. 102(f). Examiner has opined that the applicants in this case (Bartlett and Wenstrom) did not invent the claimed subject matter. Examiner has stated that the subject matter of the reference (U.S. Patent 5,540,718 to Bartlett) was invented by Bartlett alone, whereas the subject matter in the present application is presented as invented by a different inventive entity, namely Bartlett and Wenstrom.

Eight claims were originally submitted in the present application. Of the eight claims, claim 6 included an elongated body having therein a slot, in addition to an opening, extending through the body. Claim 8 limited the slot to having a length at least twice the diameter of the suture.

The '918 patent shows a suture hole, capable of receiving a suture, but not a slot ("a long narrow opening" per Webster's Seventh New Collegiate Dictionary) for securing a plurality of sutures.

In an Office Action of 9/10/02 all claims were rejected as anticipated by '718 Bartlett. In a response submitted 1/10/03, it was noted that the current application descends from the '718 patent. Perhaps it might have been noted in addition, that the matter of claims 6 and 8 did not appear in Bartlett and were at least in part, the invention of Mr. Wenstrom.

In the most recent Office Action, as noted above, Examiner has indicated that Bartlett in '718 presents the same invention both Bartlett and Wenstrom present in this case. However, such is not the case.

Claim 1 has been amended herein to include the matter of old claims 6-8, that is, the matter related to the contributions of both Bartlett and Wenstrom, that is, matter relating to the elongated slot for suture retention.

Inasmuch as '781 Bartlett fails to disclose such matter, it appears that claim 1 (amended) is in condition for allowance, which is most respectfully requested.

Claims 2-4 depend directly or ultimately from claim 1 and would therefore appear to be allowable through dependency.

New claims 9-13 depend directly or ultimately from claim 1 and serve to further define the aforementioned slot and its relation to the remainder of the suture anchor. Accordingly, claims 9-13 appear to be allowable, at least through dependency.

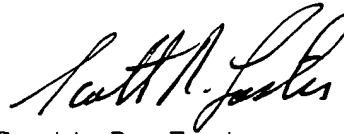
In view thereof, allowance of claims 1-4 and 9-13 is most respectfully requested.

A review of the specification revealed several minor errors which have been remedied by amendments herein.

One such error (double use of reference character 40) occasioned correction in the drawings. Red line corrections are submitted herewith for Examiner's approval.

In the event that any additionally fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Respectfully submitted,



Scott R. Foster

Registration No. 20,570

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No.: (781) 290-0060

KK/MIT0223.AMD

B